



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**SECOND REQUEST FOR CORRECTION OF PTO RECORDS REGARDING
FILING DATE**

APPLICANT: Min et al ATTORNEY DOCKET NO. P01,0337
ALLOWED: June 2, 2005 CONFIRMATION NO. 8791
SERIAL NO.: 09/937,875 GROUP ART UNIT: 3762
FILED: October 1, 2001 EXAMINER: C. H. Layno
TITLE: "RATE ADAPTIVE PACEMAKER"

MAIL STOP ISSUE FEE

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

S I R:

In a Decision under 37 C.F.R. § 1.81 (copy attached) it was explicitly stated that the present application has a filing date under 35 U.S.C. §371(c) of October 1, 2001. Nevertheless, the Notice of Allowance still included the incorrect filing date of October 1, 2002. Upon receipt of this Notice of Allowance, Applicants filed a Request for Correction of PTO Records Regarding Filing Date on June 13, 2005. No action regarding that request has been received by the undersigned counsel for the Applicants, however, on November 15, 2005 (after the aforementioned Notice of Allowance) Applicants received a filing receipt which still indicated the incorrect filing date of October 1, 2002. Applicants therefore again request correction of the Patent and Trademark Office records consistent with the ruling in the attached Decision.

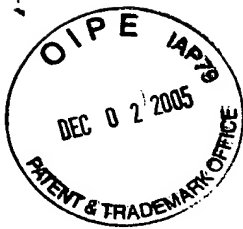
Submitted by,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on November 29, 2005.

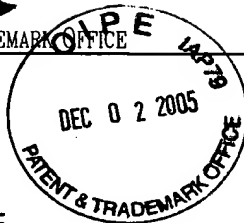
A handwritten signature in cursive script that reads "Steven H. Noll". The signature is written over a horizontal line.

STEVEN H. NOLL

26 MAR 2003



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In re Application of
MIN, Mart *et al*
U.S. Application No.: 09/937,875
PCT No.: PCT/SE00/00572
Int. Filing Date: 23 March 2000
Priority Date: 31 March 1999
Attorney's Docket No.: P01,0337
For: A RATE ADAPTIVE PACEMAKER

**DECISION
UNDER
37 CFR 1.181**

This decision is in response to applicants' "Request for Reconsideration of Decision Dated December 19, 2002" filed 21 January 2003.

BACKGROUND

On 13 December 2002, a decision dismissing applicants' petition under 37 CFR 1.181 was mailed because applicants did not provide a date-stamped postcard receipt for the declaration purportedly filed 01 October 2001.

On 21 January 2003, applicants submitted the instant renewed petition which included a copy of the date-stamped postcard receipt for the documents filed 01 October 2001.

DISCUSSION

MPEP 503 lists procedures for applicants to ensure receipt of any paper filed in the USPTO. Applicants must enclose a self-addressed postcard identifying all of the papers filed. The USPTO will stamp the receipt date on the card and place it on the outgoing mail. The identifying data on the card must clearly identify the paper for which receipt is requested. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

In the renewed petition, applicants have provided a copy of a postcard filing receipt. The receipt clearly identifies the application and all papers submitted. The filing receipt acknowledges that a "Declaration" was listed in the documents mailed 01 October 2001. The receipt has a date stamp of "533 Rec'd PCT/PTO 01 OCT 2001" across its face.

Accordingly, applicants have provided *prima facie* evidence that the declaration was received by the USPTO on 01 October 2001.

DECISION

For the reasons above, applicants' petition under 37 CFR 1.181 is **GRANTED**.

The decision dated 13 December 2002 stated that the instant application has a 35 U.S.C. 371 date of 30 January 2002. Since applicants have submitted a grantable petition under 37 CFR 1.181, this date has changed. The application has an international filing date of 23 March 2000 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of **01 October 2001**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.


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